

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Forman and Ms. Jimenez on December 8, 2011.

The application has been amended as follows:

In claim 36, amend "220 °C," to read "220 °C;" ;

In claim 36, amend "40,000 Pa," to read "40,000 Pa;" ;

Replace claim 37 with the following:

37. (Previously Presented) The makeup composition of claim 35, wherein the at least one volatile oil is chosen from

- linear or cyclic silicone oils having a viscosity at ambient temperature of less than 8 cSt and optionally comprising C₁₋₁₀ alkyl or C₁₋₁₀ alkoxy groups,
- volatile hydrocarbon-based oils having from 8 to 16 carbon atoms, and mixtures thereof.

In claim 39, after "dodecamethyl-pentasiloxane", insert "," ;

In claim 76, delete "eyeshadow or rouge or concealer" and substitute therefor ---eyeshadow, rouge, or concealer--- ;

In claim 78, amend "structure, the melting temperature mp₁" to read "structure and the melting temperature mp₁" ;

In claim 78, amend “structure, the melting temperature mp₂” to read “structure and the melting temperature mp₂” ;

In claim 81, amend “The makeup composition” to read “The cosmetic makeup process” ;
and

In claim 83, amend “of claim 83” to read “of claim 82”.

2. The following is an examiner’s statement of reasons for allowance: The prior art of record teaches makeup compositions similar to that claimed however they do not teach the claimed weight ratio of the low-melting point polymer to the high-melting polymer, and the claimed total amount of the polymer mixture relative to the total weight of the composition.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. SARAH PARK whose telephone number is (571)270-5258. The examiner can normally be reached on weekdays excluding alternate Tuesdays, 9 a.m. - 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax can be reached on 571-272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HSP/
Examiner, Art Unit 1615

/Robert A. Wax/
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